

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

BRITTNEY McDOUGLE, INDIVIDUALLY, AND ON BEHALF  
OF THE HEIRS AND WRONGFUL DEATH BENEFICIARIES  
OF MICHAEL D. McDOUGLE, DECEASED, AND THE ESTATE  
OF MICHAEL McDOUGLE, THROUGH MARY McDOUGLE, THE  
ADMINISTRATOR OF ESTATE

PLAINTIFFS

V.

CIVIL ACTION NO. 3:15-cv-00350-CWR-FKB

NESHOBA COUNTY, MS, SHERIFF TOMMY WADDELL, IN  
HIS OFFICIAL CAPACITY, CITY OF PHILADELPHIA, MS,  
CHIEF GRANT MEYERS, IN HIS OFFICIAL CAPACITY,  
NESHOBA COUNTY GENERAL HOSPITAL AND OFFICERS BRAD  
CROCKETT, ERIC LOWNDES, BRANDON POPE, JOSH RAY,  
AND "JOHN DOES 1-6", ALL IN THEIR INDIVIDUAL AND  
OFFICIAL CAPACITIES

DEFENDANTS

DEPOSITION OF OFFICER ERIC LYONS

Held on Monday, August 15, 2016, at 1:40 p.m., in the  
Offices of Robert Thomas, Esquire, 435 Center Avenue North,  
Philadelphia, Mississippi, at the instance of the Plaintiffs

Appearances Noted Herein

REPORTED BY:

KAREN C. POPERNIK, MS CCR 1276, TN LCR 469

RBK Reporting Services

P. O. Box 1683, Oxford, MS 38655

662.234.7804, karenedge2@gmail.com

EXHIBIT "B"

1 APPEARANCES:

2 REPRESENTING THE PLAINTIFFS:

3 CARLOS E. MOORE, ESQUIRE

4 Moore Law Group, P.C.

5 P. O. Box 1487

6 Grenada, MS 38902

7 Carlos@carlosmoorelaw.com

8

9 REPRESENTING THE NESHOBA COUNTY DEFENDANTS:

10 STEVEN J. GRIFFIN, ESQUIRE

11 Daniel, Coker, Horton & Bell, P.A.

12 P. O. Box 1084

13 Jackson, MS 39215

14 Sgriffin@danielcoker.com

15

16 REPRESENTING THE CITY OF PHILADELPHIA DEFENDANTS:

17 JACK PRICE, ESQUIRE

18 Wise Carter Child & Caraway, P.A.

19 P. O. Box 651

20 Jackson, MS 39205

21 Jdp@wisecarter.com

22 Also Present: Chief Grant Myers and Josh Ray

23

24

25

1 enforcement unit.

2 Q. And as a regular Sergeant, did you supervise anyone?

3 A. No, sir.

4 Q. Do you supervise anyone as a Staff Sergeant?

5 A. No, sir.

6 Q. But is this a position that you get more pay or do  
7 you have more duties or what?

8 A. Well, patrol officers who have that rank are  
9 supervisors. I work DUI enforcement. I'm not part of patrol.  
10 So I'm basically my own deal.

11 Q. Okay. How did you happen to respond to the breaking  
12 and entering on West Atkins on 11-1?

13 A. Dispatch give a call out of a B&E, breaking and  
14 entering, in progress. I recognized that -- heard on the radio  
15 where Officer Pope and Officer Ray were out on another detail  
16 dealing with something else. I was fairly close to the  
17 address. I responded. I could get there quicker than anybody  
18 else, so I responded.

19 Q. And did you have anyone with you when you responded?

20 A. No, sir.

21 Q. Have you been involved in any other lawsuits besides  
22 this litigation?

23 A. Just divorce and child support, no, sir.

24 Q. Okay. Have you ever been terminated from any job?

25 A. No, sir.

1           A.    No idea, sir. I had assistance from Billy Seales at  
2 the residence. I had his arms. Mr. Billy had his legs or vice  
3 versa. He had the legs while I had the arms, and myself and  
4 Billy attempted to get him under control, and he would kick and  
5 pull and push, and one time he attempted to bite. So --

6           Q.    Okay. I don't have 001, 2, and 3. My numbers start  
7 off at, I think, 4 for whatever reason. Can you give me a copy  
8 of this?

9                       BY MR. PRICE: Let me make a few.

10                      (Off-the-record discussion.)

11 CONTINUING:

12           Q.    Back on the record. I'm handing you a document that's  
13 been produced as Neshoba County 4, 5, and 6. Is this your  
14 report of what happened, your written report of what happened  
15 that night?

16           A.    Yes, sir.

17           Q.    And your badge number is 85?

18           A.    Yes, sir.

19           Q.    This report doesn't bear your signature, does it?

20           A.    (Reviews.) Not this copy, no, sir.

21                       BY MR. MOORE: We'll have it marked as the next  
22 exhibit.

23                      (LYONS REPORT MARKED AS EXHIBIT NO. 4.)

24           Q.    (By Mr. Moore) 2147 is what time?

25           A.    9:47.

1 Q. So you reported to the seen of 285 West Atkins Street  
2 at 2147 hours?

3 A. Yes, sir.

4 Q. All right. And tell me what happened, what you  
5 immediately see once you got there to the scene.

6 A. When I got there, I observed a black male subject and  
7 another black male subject in the doorway. I approached the  
8 doorway. I observed the black male subject I knew to be Billy  
9 Seales on top of the other black subject that I also knew to be  
10 Michael McDougle.

11 Q. Was Michael McDougle laying on his back or stomach?

12 A. I don't remember what he was laying on, sir.

13 Q. Okay. Had he crossed the threshold?

14 A. He was in the threshold in the doorway. Mr. Billy  
15 Seales saw me. I approached with my handcuffs going to  
16 handcuff McDougle. Billy got up. At that time, Michael  
17 started kicking and pulling away and just kind of going crazy.  
18 I grabbed his legs or his foot. Mr. Billy grabbed his legs or  
19 his foot, and I had one or the other, and we was attempting to  
20 get him under control. He continued to kick and pull away, and  
21 at one time attempted to bite me. I let him go. I asked  
22 Mr. Billy Seales to --

23 Q. Did he bite you or not?

24 A. No, he didn't bite me.

25 Q. Okay.

1 Q. So you reported to the seen of 285 West Atkins Street  
2 at 2147 hours?

3 A. Yes, sir.

4 Q. All right. And tell me what happened, what you  
5 immediately see once you got there to the scene.

6 A. When I got there, I observed a black male subject and  
7 another black male subject in the doorway. I approached the  
8 doorway. I observed the black male subject I knew to be Billy  
9 Seales on top of the other black subject that I also knew to be  
10 Michael McDougale.

11 Q. Was Michael McDougale laying on his back or stomach?

12 A. I don't remember what he was laying on, sir.

13 Q. Okay. Had he crossed the threshold?

14 A. He was in the threshold in the doorway. Mr. Billy  
15 Seales saw me. I approached with my handcuffs going to  
16 handcuff McDougale. Billy got up. At that time, Michael  
17 started kicking and pulling away and just kind of going crazy.  
18 I grabbed his legs or his foot. Mr. Billy grabbed his legs or  
19 his foot, and I had one or the other, and we was attempting to  
20 get him under control. He continued to kick and pull away, and  
21 at one time attempted to bite me. I let him go. I asked  
22 Mr. Billy Seales to --

23 Q. Did he bite you or not?

24 A. No, he didn't bite me.

25 Q. Okay.

1 and got on the ground. Can you tell me how?

2 A. He was pulling away or attempting to run away?

3 Q. Okay. Did he run away or not?

4 A. He didn't run away. I had ahold of him.

5 Q. You tackled him?

6 A. I didn't tackle him. I wrapped him up, and we went  
7 to the ground.

8 Q. What is a tackle?

9 A. A tackle is me running at him and knocking him down,  
10 basically. This was not a tackle. This was more of a  
11 takedown, not a tackle.

12 Q. Okay. So you took him down?

13 A. Took down, yes, sir.

14 Q. And what part of his body landed on the ground?

15 A. I don't remember what part of his body hit the  
16 ground, sir.

17 Q. Okay. What happened next?

18 A. I laid on top of him as I saw Mr. -- as I saw  
19 Mr. Seales doing when I got there. I laid on top of him. I  
20 asked the homeowner, Billy Seales and a female subject to grab  
21 my radio. I don't remember which one grabbed my radio and gave  
22 it to me. I advised dispatch that I needed some help with this  
23 subject. At that time, officers were dispatched. Officers  
24 were in route. Brad Crockett showed up first. I advised Brad  
25 to grab one arm. I grabbed one arm. Brad Crockett grabbed the

1 other arm. Mr. Billy Seales had the handcuffs and brought them  
2 to us, and all three of us helped put the handcuffs on him.

3 Q. Okay. And after he was handcuffed, what happened?

4 A. I got up. Officer Crockett got up. We all got up  
5 and McDougale was laying there. He was just moaning and  
6 growling.

7 Q. Did you call 911 at this point?

8 A. No, sir, I did not.

9 Q. You heard him moaning and groaning. Why didn't you  
10 call 911?

11 BY MR. PRICE: He said growling.

12 A. Growling, yes, sir.

13 Q. (By Mr. Moore) Moaning and growling. Let's make  
14 sure we enunciate our words so they are heard clearly.

15 A. Yes, sir.

16 Q. So why was the ambulance or 911 not called once he  
17 was moaning and growling?

18 A. It's not unusual for somebody to growl. I didn't  
19 think he was injured or seriously sick or injured for me to  
20 call 911 at that moment.

21 Q. Do people in Philadelphia growl normally?

22 A. No, sir.

23 Q. You said it's not unusual for someone to growl?

24 A. Not being injured, no, sir. Not for me to have to  
25 call 911 on, no, sir.



1 Q. You don't know?

2 A. No, sir, I don't.

3 Q. Do you know when someone is out of their mind?

4 A. No, sir.

5 Q. Did he appear to be out of his mind that night?

6 A. He appeared not to be himself.

7 Q. Did he appear to be under the influence of drugs?

8 A. Yes, sir.

9 Q. What type of drugs?

10 A. I have no idea.

11 Q. Illicit drugs?

12 A. I don't know, sir.

13 Q. Or prescription drugs?

14 A. I don't know, sir.

15 Q. Did he appear to be under the influence of alcohol?

16 A. I did smell alcohol, but this was more than alcohol.

17 Q. So you knew he was under the influence of an  
18 intoxicating substance or intoxicating substances?

19 A. Yes.

20 Q. Did you believe that he needed to be detoxed?

21 A. Yes, sir.

22 Q. So why didn't you take him to the hospital?

23 A. Because we took him to the jail. I had EMS to check  
24 on him at the jail.

25 Q. Did you call EMS?

1           A.    I did not.

2           Q.    Who called EMS?

3           A.    Myself and Sergeant Ray were on scene discussing  
4 whether to take him to the jail or to the hospital. We  
5 discussed it and decided that I had -- I already had the fight  
6 with him, tussle with him. Billy Seales already had a scuffle  
7 with him. We thought if we get him to the jail and get him in  
8 an ambulance, we'll get him to the hospital, and that he would  
9 start again being combative. We thought it would be best to  
10 take him to the jail in a controlled environment and have EMS  
11 to look at him. And if EMS determined that he needed to be  
12 transported to the hospital, then we would assist them in doing  
13 so.

14          Q.    But you knew he was in handcuffs at this point?

15          A.    Yes, sir.

16          Q.    And how did you think he was going to be combative in  
17 handcuffs.

18          A.    I've seen several people combative in handcuffs, sir.

19          Q.    But he was not combative at this point while y'all  
20 were discussing it, did you -- were you?

21          A.    No, sir.

22          Q.    He was calm at this time?

23          A.    Well, he was in handcuffs, yes.

24          Q.    Okay. My point exactly. So why did you and  
25 Sergeant Ray take it upon yourselves to go against the policy?

1 BY MR. PRICE: Object to the form of the  
2 question.

3 Q. (By Mr. Moore): Are you familiar with the policies  
4 of a Staff Sergeant?

5 A. Yes.

6 Q. That if an officer determines a prisoner to be  
7 seriously ill or injured upon arrest, the prisoner will be  
8 transported to Neshoba General Hospital for treatment before  
9 being processed at the appropriate detention facility. Could  
10 it be any clearer than that?

11 BY MR. PRICE: Object to the form.

12 A. Sir, I did not determine that Michael was sick --  
13 seriously sick or injured at the time.

14 Q. (By Mr. Moore): So why were you and Sergeant Ray  
15 discussing it, then, to see if he should go to hospital or have  
16 EMS?

17 A. Because he was incoherent and disoriented and  
18 intoxicated. So we thought it would be best for him to be  
19 checked out before we took him to the jail, sir. And since EMS  
20 was already in route to the jail on an unrelated matter, we  
21 decided to let EMS check him in a controlled environment at the  
22 jail.

23 Q. So y'all put a controlled environment more important  
24 than his health?

25 A. Sir, we --

1 Q. I'm Steven Griffin. I represent the County here. In  
2 your written statement, you talked about when the EMS folks  
3 came and checked on Mr. McDougale at the jail.

4 A. Yes, sir.

5 Q. And you were there when they were checking him out?

6 A. Yes, sir.

7 Q. And you were there when they finished checking him  
8 out?

9 A. Yes, sir.

10 Q. And you put in your report that, "Based on what I  
11 gathered, he was okay to remain at the jail." What do you  
12 recall the EMS personnel saying about that?

13 A. I don't recall really.

14 Q. Okay. But you remember him -- the EMS people saying  
15 that he could stay at the jail that night?

16 BY MR. MOORE: Object to the form of the  
17 question. It's leading.

18 BY MR. GRIFFIN: I'm sorry?

19 BY MR. MOORE: I object to the form of the  
20 question, leading.

21 BY MR. GRIFFIN: Well, he's not my client. It's  
22 not a leading question. This is cross-examination. That's  
23 fine.

24 A. Say it again.

25 Q. (By Mr. Griffin): Sure. Did the EMS personnel

1 indicate that Mr. McDougle was okay to remain at the jail that  
2 night?

3 A. Yes.

4 BY MR. MOORE: Object.

5 Q. (By Mr. Griffin): And you've reviewed the typed-out  
6 statement that we have here in front of you?

7 A. Yes.

8 Q. That's Exhibit No. 4?

9 A. Yes, sir.

10 Q. And is everything that's in your typed-out statement  
11 true and correct to the best of your knowledge?

12 A. It is.

13 BY MR. GRIFFIN: Okay. No further questions.

14

15 EXAMINATION BY MR. MOORE:

16 Q. Who, if anyone, do you believe is at fault for the  
17 death of Mr. McDougle?

18 BY MR. GRIFFIN: Object to the form.

19 A. Don't know, sir.

20 Q. (By Mr. Moore): Do you believe anyone in the County  
21 is responsible?

22 BY MR. GRIFFIN: Object to the form.

23 A. Don't know, sir.

24 Q. (By Mr. Moore): Do you believe the County personnel  
25 could have checked on him more?